

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN DARNELL RAGLAND,

Plaintiff,

v.

Case No. 08-15253

M. RABY, KEITH BERBICK,
KEVIN KERR, NICOLAS SMISSICK,
DANIEL ROSE, ANDREW BELANGER,
BRIAN BOLASH, and ANTHONY CARIGNAN,

HONORABLE AVERN COHN

Defendants.

**ORDER
ADOPTING REPORT AND RECOMMENDATION
AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
(Doc. No. 61)**

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff claims that defendants, police officers, violated his constitutional rights. The matter was referred to a magistrate judge for all pretrial proceedings. Plaintiff filed a motion for summary judgment on his excessive force claim. The magistrate judge issued a report and recommendation (MJRR) recommending that the motion be denied.

II.

Plaintiff has not objected to the MJRR and the time for filing objections has passed. Plaintiff's failure to file objections to the MJRR waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th

Cir. 1987). Likewise, the failure to object to the MJRR releases the Court from its duty to independently review the motion. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the record and agrees with the magistrate judge.

III.

Accordingly, the MJRR is ADOPTED as the findings and conclusions of the Court. Plaintiff's motion for summary judgment is DENIED.

SO ORDERED.

Dated: March 15, 2010

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Kevin Ragland, 191565, St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880 and the attorneys of record on this date, March 15, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160